



**STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
SANTA FE**

THOMAS C. TURNEY
State Engineer

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September 11, 1998

Jose L. Martinez
P.O. Box 29
Gallina, New Mexico 87017

RE: File No. 080

Dear Mr. Martinez:

Your request for assistance from the Office of the Governor, on the problem concerning access to the headgate on your ditch, has been forwarded to me for response. I apologize for the delay in responding to your request.

A review of the file and a field check was performed by my staff to determine the status of the situation. It appears that you have filed a Change of Ownership of land previously owned by Jose O. Lujan which is included in the Rio Puerco De Chama Hydrographic Survey, Rio Arriba Court Cause 4922. It also appears that Corlinda Lujan owns property included in Rio Arriba Court Cause 4922. You both own water rights on this property with irrigation from the same ditch.

You are entitled to your share of the water from the ditch. Your share of water is designated by the ditch bylaws and the officers of the ditch. Any problems in the distribution of the water should be taken to the ditch commission for resolution.

A community ditch is a quasi-judicial government of the State of New Mexico. Elections are held for commissioners and mayordomos. The State Engineer has no jurisdiction to interfere with the government or operation of a community ditch. The officers of ditch are charged with the administration and distribution of its waters.

I am not allowed to enter private property for the resolution of disputes between individuals. I can advise you that you are entitled to your share of the water and any access to the headgate.

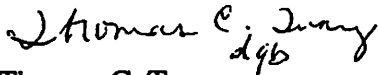
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Any denial of this right can be disputed, with the help of an attorney, in the proper court of law.

Please let me know if further discussion would be helpful.

Sincerely,

A handwritten signature in cursive script that reads "Thomas C. Turney". The signature is written in dark ink and is positioned above the printed name.

Thomas C. Turney
State Engineer

cc: Ed Grabowski